



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventor(s): Ned S. Rasor, et al.

SC/Serial No.: 09/708,186

Filed: November 7, 2000

Title: METHOD AND APPARATUS FOR
CO-APPLICATION OF GASES AND
DRUGS TO POTENTIATE THEIR
ACTION IN RELIEVING HEADACHES,
ANGINA AND OTHER AILMENTS

PATENT APPLICATION

Examiner: Dawson
Art Unit: 3761

RECEIVED
MAR 27 2003
GROUP 3600

Certificate of Mailing Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on March 14, 2002

Jill L. Robinson, Reg. No. 34,911
Signature Date: March 14, 2002

(Attorney Signature)

Assistant Commissioner for Patents
Washington, D.C.

Sir:

Response to Office Action

In the office action mailed January 14, 2003 the Examiner stated that all pending claims 15-17, 21-32, 34, 35 and 46-55 were subject to restriction and election requirement.

Specifically the examiner identified three species as patentably distinct:

- I -- Method of controlling the effect of a drug by infusing the eye;
- II -- Method of controlling the effect of a drug by infusing the ear; and
- III -- Method of controlling the effect of a drug by infusing the nose/mouth.

together with 8 subspecies for each of the species:

- A -- use of CO₂
- B -- use of NO
- C -- use of O₂
- D -- use of NO₂
- E -- use of He
- F -- use of HCL
- G -- use of HNO₃
- H -- use of HF

Applicants hereby elect species III and subspecies A: Oral/nasal infusion and the use of CO₂.

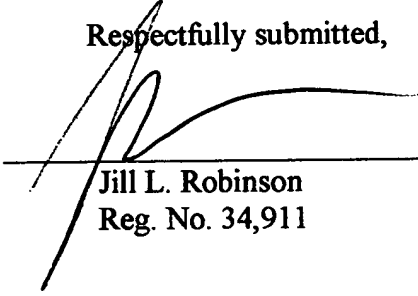
Applicants identify the following claims as readable on the elected species and subspecies:

Claims 17, 21-25, 27, 28, 29, 30, 31, 32, 34, 35, 46-55.

Applicants further respectfully traverse the restriction and election requirement.

Respectfully submitted,

Date: March 14, 2003



Jill L. Robinson
Reg. No. 34,911

Jill L. Robinson
Attorney at Law
95 Shuey Drive
Moraga, California 94556
Telephone: 925-376-8481
Facsimile: 925-376-1748